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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,443

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Yusuke Shimizu

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EXAMINER

WONG, JEFFREY KEITH

ART UNIT

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3714

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,443	<b>Applicant(s)</b> SHIMIZU ET AL.	
	<b>Examiner</b> Jeffrey K. Wong	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18 and 24-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/2010</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Application***

1. This Office-Action acknowledges the Request for Reconsideration filed on 2/4/2010 and is a response to said request.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 18, 24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Claim discloses of registered identification information and identification information. The Examiner can not tell if they refer to the same form of information or to separate identification information. For instance, there is disclosure of registering identification information, identification information, and registered identification information, and transmitted identification information. The various use of identification is ambiguous.
4. Claims 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Claim discloses of registered identification information and identification information. The Examiner can not tell if they refer to the same form of information or to separate identification information. For instance, there is disclosure of registering identification information, identification information, and registered

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identification information, recording identification information and recorded identification information. The various use of identification is ambiguous.

5. Claim 28, 32 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Claim discloses one player and another player. It later goes on to use 'the one player' and 'the player' which creates confusion as to which player to which the instant refers. For instance, the Examiner can not confidently tell if 'the player' referred to is that of the one or the another player. The Examiner interprets the player as that of the one player.

6. Claim 18, 26, 32 recites the limitation "the player's game play". There is insufficient antecedent basis for this limitation in the claim. There is no mention of a player's game play beforehand.

7. Claim 26, 27, 28-32 recites the limitation "said designated terminal device". There is insufficient antecedent basis for this limitation in the claim. There is no mention of a designated terminal device beforehand.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 18, 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benoy, US Patent 6,896,618(Benoy) in view of Yasushi et al., JP 10-033821 (Yasushi).

Regarding Claim 18, 24, 26.

Benoy teaches a game system including an arcade game machine installed in a play facility with which a player plays a game after paying a play fee(Col 1, lines 20-34.

Casino games require a player to pay a fee to play), and a server device connected to the arcade game machine via a network(Abstract. The loyalty program server is connected to the gaming machine), the game system being configured to perform:

(a) registering identification information unique to the player on the server device

(Abstract. Players must enter identification information before playing a game);

(c) allowing the player to play the game on the arcade game machine when

identification information transmitted from the player meets the identification information

registered on the server device(Col 8, 1-3. Players will be able to play the game and

accumulate loyalty points after validating their identification), wherein the arcade game

machine includes an interface for recording the identification information of the player,

and authenticates the identification information registered on the server device (Col 2,

lines 25-35. In this case, it is obvious that the gaming machine would require an

interface in order to allow players to register for a tracking account for use with a

cardless tracking system):

Benoy failed to disclose: (b) after the registering, allowing the player to store on the server device an optional message in advance in association with the registered identification information and in association with an event associated with a game result

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of the game to be played, wherein the event is designated by the player who expects the event to occur during a progress of the game to be played before allowing the player to start the game on the arcade game machine, said optional message being arranged to be sent from the server device to a terminal device.

(d) transmitting the optional message from the server device to the terminal device optionally designated in advance by the player so that the optional message is displayed on the terminal device when the event has occurred on the arcade game machine during the progress of the game after starting the game, wherein the optional message to be displayed on the terminal device is associated with the game result after the game has been played in response to input from the player.

(e) calculating points acquired as a result of the player's game play, wherein there are a plurality of optional messages and plural first ones of the optional messages are stored on the server device before starting the game in association with certain values of points to be acquired by the player, and the server device sends one of the first ones of the optional messages to the terminal device for display in accordance with the result of the game played by the player, and wherein a second one of the optional messages is stored in association with a special result of the game played by the player, and if the special result occurs in the game played by the player, the server device sends the second one of the optional messages to the terminal device so that the second one of the optional messages can be displayed on the terminal device.

However, Yasushi teaches of a networked gaming system that allows registered players to be authorized for game play through use of a player card (para 4) and are

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given the ability to store on the server messages (para 4) that can be later retrieved at a later time and displayed on a display screen by other players accessing the same network of games (para 46) that are part of the same group (para 3). The system also keeps track of a player's accumulated points and rewards (para 81) as well as predetermined gaming events such as a jackpot (para 29) and provides displays the player's progress other players of the same networked group (para 31). In this case, a player's accumulated points can be viewed as a first one of the optional messages while a player's jackpot can be viewed as a second one of the optional messages displayed on a terminal device. The system is viewed as convenient for players (para 11) because it serves to act as that of a message board for players (para 4) allowing players to contact one another within a gaming environment without having to

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Yasushi's teachings with Benoy's gaming system because it would allow game player's the ability to send messages to one another within a gaming environment as taught by Yasushi. Since gaming environments such as casinos are very large, the ability for player's to send messages to one another without having to physically locate certain players is obvious. This is because message boards provide a medium in which messages can be transmitted among people at different locations without each individual person needing to be within a close proximity to one another in order to receive messages.

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Regrading Claim 25.

Yashushi teaches wherein said optional message contains plural messages which are stored in relation with certain game stages or statuses as said event designation in advance by the player, respectively(para 29. Messages are sent based on game events such as jackpots)

Regarding Claim 27.

Benoy teaches wherein said designated terminal device is the arcade game machine on which the player plays the game(Abstract. Players play at the designated machine in which said player enters identification information).

Regarding Claim 28.

Benoy teaches wherein said designated terminal device is either another arcade game machine on which an opponent player plays the game or a mobile terminal device which the opponent player carries(Col 5, lines 26-28).

Regarding Claim 29.

Benoy teaches wherein said designated terminal device is the one of the plurality of game apparatuses on which the player plays the game (Col 4, line 22).

Regarding Claim 30.

Benoy teaches wherein said designated terminal device is either another of the plurality

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of game apparatuses on which an opponent player plays the game or a mobile terminal device which the opponent player carries(Col 5, lines 26-28).

Regarding Claim 31.

Benoy teaches wherein said designated terminal device is either the other of the plurality of game apparatuses on which the other player plays the game or a mobile terminal device which the other player carries.

Regarding Claims 32, 33.

Benoy teaches a game system comprising a server (abstract) and a plurality of game apparatuses (Col 4, line 22) connected via a network(Col 5, lines 56-57), which is configured to allow one player to play a game on one of the plurality of game apparatuses against another player playing on another of the plurality of game apparatuses(Col 4, lines 54-64. Bingo is played against another player), said game system being configured to perform:

(a) registering identification information unique to each player (Abstract. Players must input identification information) so that the one player on the one of the plurality of game apparatuses can play the game against the another player on the another of the plurality of game apparatuses, wherein the game system includes an interface for recording the identification information of the player, and authenticates the identification information registered on the server (Col 2, lines 25-35. In this case, it is obvious that

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the gaming machine would require an interface in order to allow players to register for a tracking account for use with a cardless tracking system):

Benoy failed to disclose: (b) after the registering, allowing the player to store on the server device an optional message in advance in association with the registered identification information and in association with an event associated with a game result of the game to be played, wherein the event is designated by the player who expects the event to occur during a progress of the game to be played before allowing the player to start the game on the arcade game machine, said optional message being arranged to be sent from the server device to a terminal device.

(d) transmitting the optional message from the server device to the terminal device optionally designated in advance by the player so that the optional message is displayed on the terminal device when the event has occurred on the arcade game machine during the progress of the game after starting the game, wherein the optional message to be displayed on the terminal device is associated with the game result after the game has been played in response to input from the player.

(e) calculating points acquired as a result of the player's game play, wherein there are a plurality of optional messages and plural first ones of the optional messages are stored on the server device before starting the game in association with certain values of points to be acquired by the player, and the server device sends one of the first ones of the optional messages to the terminal device for display in accordance with the result of the game played by the player, and wherein a second one of the optional messages is stored in association with a special result of the game played by

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the player, and if the special result occurs in the game played by the player, the server device sends the second one of the optional messages to the terminal device so that the second one of the optional messages can be displayed on the terminal device.

However, Yasushi teaches of a networked gaming system that allows registered players to be authorized for game play through use of a player card (para 4) and are given the ability to store on the server messages (para 4) that can be later retrieved at a later time and displayed on a display screen by other players accessing the same network of games (para 46) that are part of the same group (para 3). The system also keeps track of a player's accumulated points and rewards (para 81) as well as predetermined gaming events such as a jackpot (para 29) and provides displays the player's progress other players of the same networked group (para 31). In this case, a player's accumulated points can be viewed as a first one of the optional messages while a player's jackpot can be viewed as a second one of the optional messages displayed on a terminal device. The system is viewed as convenient for players (para 11) because it serves to act as that of a message board for players (para 4) allowing players to contact one another within a gaming environment without having to

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Yasushi's teachings with Benoy's gaming system because it would allow game player's the ability to send messages to one another within a gaming environment as taught by Yasushi. Since gaming environments such as casinos are very large, the ability for player's to send messages to one another without having to physically locate certain players is obvious. This is because message

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boards provide a medium in which messages can be transmitted among people at different locations without each individual person needing to be within a close proximity to one another in order to receive messages.

Regarding Claim 34.

Benoy and Yasushi disclose the game system of claim 18. Yasushi teaches wherein the optional message is displayed on arcade game machines of other game players playing the same game (para 46. The player can direct where the messages can be displayed.)

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 18, 24,26,32-33 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. JP 2001-009157

12. JP 2001-070651.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Primary Examiner, Art Unit 3714

JKW